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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,603	09/15/2003	K. Scott Ramey	11157SSUS04C (NORT10-0034)	2370
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,603

Applicant(s)

RAMEY ET AL.

Examiner

Charles E. Anya

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35,37-40,42-45,47-50 and 52-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35,37-40,42-45,47-50 and 52-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

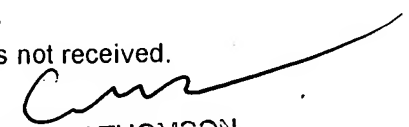
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/3/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 35-62 are pending in this application.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claim 53-63 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 64,74 and 84 of copending Application No. 2005/0008003 A1 (hereinafter referred to as Ramey'8003) in view of U.S. Pat. No. 5,945,989 to Freishtat et al.

This is a provisional obviousness-type double patenting rejection.

3. As to claim 35, Ramey'8003 teaches a method performed by a wrapper for enabling a web application to communicate with a telephone system, comprising: providing a communication channel between the web application and the telephone system (claim 64 lines 3-4); and translating web application commands transferred from the web application to the telephone system from a web application format into telephone system format (claim 64 lines 6-8).

Ramey'8003 is silent with reference to a method performed by a wrapper for enabling a web application to communicate with a call server system.

Freishtat teaches a method performed by a wrapper for enabling a web application to communicate with a call server system (Server 697 Col. 11 Ln. 24 – 52).

It would have obvious to one of ordinary skill in the art at time the invention was made to modify the system of Ramey'8003 with the teaching of Freishtat because the teaching of Freishtat would improve the system of Ramey'8003 by providing mechanism for managing telephony resources and allows multiple client applications to connect and interface with a server (Freishtat Col. 11 Ln. 41 – 44).

4. As to claims 36-63, they are rejected under the judicially created doctrine of obvious double patenting for the same reasons as stated in the rejection of claim 35 above.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 35,40,45,50 and 53-63 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 5,945,989 to Freishtat et al.

6. As to claim 35, Freishtat teaches a method performed by a wrapper for enabling a web application to communicate with a call server system, comprising: providing a communication channel between the web application (CT/I Client 699) and the call server system (figure 15 Col. 11 Ln. 24 – 67, "...the API allows for the abstraction of all communication..." Col. 12 Ln. 1 – 67); and translating web application commands transferred from the web application to the call server system from a web application format into a call server system format ("...converted into an audio file..." Col. 2 Ln. 19 – 29, CTI Library/API 698 Col. 11 Ln. 24 – 67, Col. 12 Ln. 1 – 67, Col. 13 Ln. 8 – 22, "...void ti_speak...string...ti_text_to_speech_file..." Col. 15 Ln. 59 – 67, Col. 16 Ln. 1 – 18).

7. As to claims 40,45,50 and 55-63, see the rejection of claim 35 above.

8. Claims 35,40,45 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,246,678 B1 to Erb et al.

9. As to claim 35, Erb teaches a method performed by a wrapper for enabling a web application to communicate with a call server system, comprising: providing a communication channel between the web application (Application 114) and the call server system (DB Access Server 116) (“...communicates...” Col. 16 Ln. 15 – 31); and translating web application commands transferred from the web application to the call server system from a web application format into a call server system format (API Redirection Layer 150 Col. 16 Ln. 43 – 67, Col. 17 Ln. 1 – 67).

10. As to claims 40,45 and 50, see the rejection of claim 35 above.

11. Claims 35,37-40,42-45,47-50 and 52-54 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,980,641 B1 to Stanford et al.

12. As to claim 35, Stanford teaches a method performed by a wrapper for enabling a web application to communicate with a call server system, comprising: providing a communication channel between the web application and the call server system (“...TAPI...” Col. 3 Ln. 44 – 67, Col. 5 Ln. 26 – 39); and translating web application commands transferred from the web application to the call server system from a web

application format into a call server system format (“...convert those command...” Col. 5 Ln. 26 – 39, Col. 6 Ln. 9 – 13, Col. 8 Ln. 44 – 49), wherein the translating web application commands further comprises translating a call control command (“...convert those command...” Col. 6 Ln. 9 – 13, Col. 8 Ln. 44 – 49).

13. As to claim 37, Stanford teaches the method of claim 36 wherein the translating a call control command further comprises translating a conference call control command (“...convert those command...” Col. 6 Ln. 9 – 13, Col. 8 Ln. 44 – 49).

14. As to claim 38, Stanford teaches the method of claim 35 wherein the translating web application commands further comprises translating a service control command (“...convert those command...” Col. 6 Ln. 9 – 13, Col. 8 Ln. 44 – 49).

15. As to claim 39, Stanford teaches the method of claim 35 further comprising translating call server commands transferred from the call server system to the web application from the call server system format into the web application format (“...passes an interprocess message...” Col. 5 Ln. 51 – 67).

16. As to claims 40,45 and 50, see the rejection of claim 35 above.

17. As to claims 41,46 and 51, see the rejection of claim 36 above.

18. As to claims 42,47 and 52, see the rejection of claim 37 above.
19. As to claim 43,48 and 53, see the rejection of claim 38 above.
20. As to claim 44,49 and 54, see the rejection of claim 39 above.

Response to Arguments

Applicant's arguments filed 11/16/07 have been fully considered but they are not persuasive.

Applicant argues in substance that (1) the Freishtat and Erb prior arts do not disclose translating call command from a web application format to a call server system format and (2) the Stanford prior art teaches away from the claimed invention because it does not translate call commands from a web application and transferring the translated call commands to a **call system server system**.

As to point (1), the Freishtat prior art discloses a client or service (CT/I Client 699) that communicates with a server (CT/I Server 697) through a application programming interface (CT/I Library & API 698). The application programming interface allows the client or service to communicate with the server without knowing the functions or the functions of the server being hidden from the client or service (Col. 12 Ln. 11 – 67). The hiding or abstraction of the functions of the server implies that the application programming interface would have to convert or translate the communication or call from the client or service before it is understood by the server.

The Erb prior art is replete with the disclosure of translating call command from a web application format to a call server system format, for instance, see column 3 lines 30 – 67, column 4 lines 1 – 40).

As to point (2), contrary to Applicant's assertion the Stanford prior art does teach translating call commands from a web application and transferring the translated call command to a call system server system. The Examiner agrees with the Applicant that Stanford prior art discloses **as an example** the connecting of a computer (Computer 56) to telephone device that is a telephone (Telephone Device 78), translating call commands from the computer and transferring the translated call command to the telephone device, however, the Stanford prior art also discloses that the telephone device could be devices other than a telephone, for example, the telephone device could be a telephone **service** provider or PBX. The telephone service provider or PBX is actually a telephony server with switch control software that is connected to the computer (Computer 56) via for example LAN (Stanford Col. 10 Ln. 1 – 13).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.


WILLIAM THOMSON
PATENT EXAMINER